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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,925	11/17/2003	Wei-Tse Hsu	B-5298 621492-4	4217

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EXAMINER

CHOW, LIXI

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,925

Applicant(s)

HSU, WEI-TSE

Examiner

Lixi Chow

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2627

1. Claims 1-15 are pending in this application.

Claim Objections

2. Claim 10 is objected to because of the following informalities: the word "A" in line 1 of claim 10 should be --An--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 10, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki (US Pub. No. 2002/0024902).

Regarding claim 1:

Sasaki discloses a method for changing a rotational speed of an optical drive comprising:
detecting a reading speed for a software processing data from a disc in the optical drive
(see paragraph [0013]);

determining whether the reading speed corresponding to a rotational speed of the optical drive exceeds a critical speed (see Fig. 6; predetermined threshold value is the critical speed), wherein the critical speed is less than the lowest rotational speed of the optical drive to process a read command and exceeding a reading speed for the optical drive to process a play command (see paragraphs [0019] and [0054]-[0056]); and

changing the rotational speed of the optical drive according to the determined result of the reading speed and the critical speed (see paragraph [0019]).

Regarding claim 2:

Sasaki discloses the method, wherein the changing step comprises:

when the reading speed corresponding to the rotational speed of the optical drive exceeds the critical speed, changing the rotational speed of the optical drive to a high speed; and when the reading speed corresponding to a rotational speed of the optical drive is less than the critical speed, changing the rotational speed of the optical drive to a low speed (see paragraph [0019] and Fig. 5).

Regarding claim 3:

Sasaki discloses the method, wherein the determining step further comprises:

calculating a number of frames read in a predetermined period (see Fig. 3; block is made up of frames, therefore, obtaining the number of block is calculating a number of frames read); and

according to the amount, calculating the relationship between the reading speed and the rotational speed of the optical drive (see Fig. 3, step S12).

Regarding claim 4:

Sasaki discloses the method, wherein when the number of frames is 75 and the predetermined period is 1 second, the reading speed is equal to 1 times the rotational speed of the CD ROM drive (see paragraphs [0002] and [0007]; Sasaki discloses the CD having music data recorded thereon is being reproduced at 1X speed; it is inherent that CD is being reproduced at 75 frames per second when the rotational speed is 1X).

Regarding claim 5:

Sasaki discloses the method, further comprising:

determining whether the two continuous frames comprise two continuous data according to addresses of the optical drive where the frame read the data (see Fig. 7, step S20 determines whether the two continuous frames are two continuous data based on the address detected);

when the continuous frames do not comprises continuous data, resetting the number of frames read and the predetermined period (see Fig. 7, when the determination at step S20 is "NO", it resets the number of frames read and the predetermined period).

Regarding claim 8:

Sasaki discloses the method, wherein the reading speed for the optical drive to process the play command is 1X (see paragraphs [0007] and [0049]; audio data is being reproduced/playback at 1X speed to avoid problems such as noise and power consumption due to high-speed rotation).

Regarding claims 10, 11, and 14:

Sasaki discloses an optical drive with switchable rotational speeds (see Fig. 1). Since claims 10, 11 and 14 recite similar limitations as claims 1, 2 and 8, claims 10, 11 and 14 are rejected under the same reasons set forth in claims 1, 2 and 8.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 7, 9, 12, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki in view of Applicant Admitted Prior Art (hereafter AAPA).

Regarding claims 6 and 7:

Sasaki fails to show audio/video disc being rotated at high speed of 10-24X CAV and/or low speed of 2-5X CAV; however, AAPA shows that the optical drive reads an audio disc and/or a video disc, the high speed is 10-24X CAV (Constant Angular Velocity) wherein the rotational speed on the maximum circle of the optical drive is 24X CAV and on the minimum circle of the optical drive is 10X CAV and the low speed is 2-5X CAV wherein the rotational speed on the maximum circle of the optical drive is 5X CAV and on the minimum circle of the optical drive is 2X CAV (see paragraphs [0004] and [0006]).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to rotate the audio/video disc at the above specified speeds in the optical drive of Sasaki as suggested by AAPA. One of ordinary skill in the art would have been motivated to do this, because using faster speeds to read data can save a lot of time for users (see AAPA, paragraph [0004]).

Regarding claim 9:

Sasaki fails to disclose the lowest rotational speed of the optical drive to process the read command is 2X; however, AAPA discloses a method, wherein the lowest rotational speed of the optical drive to process the read command is 2X (see paragraph [0004]).

At the time the invention was made, it would have been obvious to a person ordinary skill in the art to modify the optical disc drive of Sasaki to include 2X as the lowest rotational speed for the read command as suggested by AAPA. One of ordinary skill in the art would have been motivated to do this, because using faster reading speed to read data can save a lot of time for users (see paragraph [0004]).

Regarding claims 12, 13 and 15:

Claims 12, 13 and 15 recite similar limitations as claims 6, 7 and 9; hence, claims 12, 13 and 15 are rejected under the same reasons set forth in claims 6, 7 and 9.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lixi Chow whose telephone number is 571-272-7571. The examiner can normally be reached on Mon-Fri, 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LC 7/18/06


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER